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on October 18, 2006

TOWNSEND and TOWNSEND and CREW LLP

By: Christopher Barnes-Odior

**PATENT**  
Attorney Docket No.: 023070-079820US  
Client Reference No.: 2000-493-1

**RECEIVED**

OCT 23 2006

**OFFICE OF PETITIONS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Marilynn E. ETZLER et al.

Application No.: 09/657,631

Filed: September 6, 2000

For: LNP, A PROTEIN INVOLVED IN  
THE INITIATION OF MYCORRHIZAL  
INFECTION IN PLANTS

Customer No.: 20350

Confirmation No.:

Examiner:

Art Unit:

**NOTIFICATION OF ERROR IN  
SMALL ENTITY STATUS AND  
PAYMENT OF DEFICIENCY OWED  
UNDER 37 CFR §1.28(c)**

October 11, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on September 6, 2000, originally correctly claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity changed on September 1, 2002, when assignee entered into a licensing agreement. Small entity status was continued in good faith when the issue fee was paid, but in error due to inadvertence and without deceptive intent. The following submission and itemization hereby meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicant respectfully requests the total deficiency payment be processed as set out below and that the error be excused.

Adjustment date: 10/30/2006 SLUANG2  
12/16/2004 SFELEKE2 00000229 201430 09657631  
01 FC:2501 700.00 CR  
10/30/2006 SLUANG2 00000003 201430 09657631  
01 FC:1501 1400.00 DA

**ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED**

DATE FILED	TYPE OF FEE	SMALL FEE ACTUALLY PAID	(CURRENT) LARGE FEE APPLIED	DEFICIENCY PAYMENT OWED
12/15/04	Issue fee	\$700.00	\$1400.00	\$700.00

**TOTAL DEFICIENCY OWED: \$700.00**

Applicants hereby authorize the Commissioner to deduct the total fees of \$700.00 from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account. A duplicate of this sheet is enclosed.

Applicant understands that under 37 CFR §1.27(g)(2) and §1.28(d) this submission is treated as a notification of loss of small entity status.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415.576.0200.

Respectfully submitted,



Matthew E. Hinsch  
Reg. No. 47,651

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415 576-0300  
MEH:sba

60890239 v1

# Electronic Acknowledgement Receipt

EFS ID:	1261250
Application Number:	09657631
International Application Number:	<b>RECEIVED</b>
Confirmation Number:	1727 OCT 23 2006
<b>OFFICE OF PETITIONS</b>	
Title of Invention:	LNP, A PROTEIN INVOLVED IN THE INITIATION OF MYCORRHIZAL INFECTION IN PLANTS
First Named Inventor/Applicant Name:	Marilynn E. Etzler
Customer Number:	20350
Filer:	John Zigmant/Sherbonne Barnes-Anderson
Filer Authorized By:	John Zigmant
Attorney Docket Number:	23070-079820US
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Application Type:	Utility

## Payment information:

Submitted with Payment	no
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## File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	NotificationOfErrorInSmallEntityStatus.pdf	71293	no	2

## Warnings: